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FAX: (415) 398-3249  
www.dorseylaw.com

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## FAX COVER SHEET

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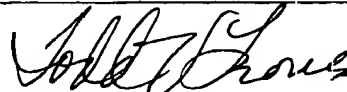
DATE: 7 August 2003 TOTAL NUMBER OF PAGES (INCLUDING THIS COVER) 27  
TO: Examiner Michael A. Neas FAX NO.: (703) 305-2919  
FIRM NAME: United States Patent and Trademark Office TELEPHONE NO.: (703) 308-0954  
ADDRESS: Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
FROM: Todd V. Leone FAX NO.: (415) 398-3249  
Secretary to Michael A. Kaufman  
E-MAIL: leone.todd@dorsey.com TELEPHONE NO.: (415) 544-7018 direct or 781-1989  
main

## COMMENTS:

Re: U.S. Patent Application  
Serial No.: 09/980,956  
Filing Date: 4 December 2001  
Title: A Fuel Cell Gas Separator  
Inventor: Donald JAFFREY  
U.S. National Phase Filing of International Application  
Serial No.: PCT/AU00/00631  
Filing Date: 2 June 2000  
Atty. Docket No.: A-71184/DJB/MAK

Dear Mr. Neas:

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Originator's Signature

Original will be sent via: ☐ Mail ☐ Messenger ☐ Air Courier ☒ Will not be sent

PLEASE CONTACT Todd V. LEONE AT (415) 544-7018

IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

Reference No.: 2817 461124-00020

## DORSEY &amp; WHITNEY LLP

Examiner Michael A. Neas  
PCT Division  
United States Patent and Trademark Office  
7 August 2003  
Page 2

Attached per our telephone conversation of earlier today is a copy of the Statement for Withdrawal of Abandonment and all its enclosures. I added to that a copy of the validated return postcard showing that it was received by the PCT Division of the USPTO on 31 March 2003. Apparently this filing never made it to the file and has yet to be considered.

One of the enclosures to the Statement for Withdrawal of Abandonment is a copy of the timely filed Transmittal to Notification of Missing Requirements. In addition, with the Statement for Withdrawal of Abandonment we included a copy of the validated return postcard showing that the Transmittal of Missing Requirements was received by the PCT Division of the USPTO on 25 June 2002, as well as a copy of both sides of canceled check number 1244 in the amount of \$40.00 submitted to pay the assignment recordation fee. The Transmittal of Missing Requirements included the Assignment with a recordation cover form and said check for \$40.00.

Thus, it is clear that the USPTO did receive our Transmittal of Missing Requirements. It is also clear that the USPTO received our Statement for Withdrawal of Abandonment.

I thank you for seeing to it that our Statement for Withdrawal of Abandonment is processed as soon as possible. Please contact us should you require anything further or should you have any questions.

Sincerely yours,

DORSEY & WHITNEY LLP



Todd V. Leone  
Secretary to Michael A. Kaufman

**DORSEY & WHITNEY LLP**

File No. A-71184/DJB/MAK

Applicant(s): Donald JAFFREY  
Serial No.: 09/980,956  
For: **A Fuel Cell Gas Separator**

Please acknowledge receipt of the enclosed:

- ① Statement for Withdrawal of Abandment
- ② Copy of Transmittal of Missing Requirements, including its listed enclosures, viz.:
  - o Copy of Notification of Missing Requirements Under 35 U.S.C. 371, etc.
  - o Declaration and Power of Attorney for Patent Application
  - o Assignment with Form PTO-1595
  - o Our Check No. 1244 in the amount of \$40.00
  - o Power of Attorney by Assignee
  - o Information Disclosure Statement with Form PTO-1449 and copies of prior art references
- ③ Copy of Return Postcard confirming receipt of Transmittal of Missing Requirements
- ④ Copy of Canceled Check No. 1244 in the amount of \$40.00

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: N/ADate of mailing: 26 March 2003

[461124-00020]

SF-1108006v1

**DORSEY & WHITNEY LLP**

File No. A-71184/DJB/MAK

Applicant(s): Donald JAFFREY  
Serial No.: 09/980,956  
For: **A Fuel Cell Gas Separator**

Please acknowledge receipt of the enclosed:

- ① Statement for Withdrawal of Abandment
- ② Copy of Transmittal of Missing Requirements, including its listed enclosures, viz.:
  - o Copy of Notification of Missing Requirements Under 35 U.S.C. 371, etc.
  - o Declaration and Power of Attorney for Patent Application
  - o Assignment with Form PTO-1595
  - o Our Check No. 1244 in the amount of \$40.00
  - o Power of Attorney by Assignee
  - o Information Disclosure Statement with Form PTO-1449 and copies of prior art references
- ③ Copy of Return Postcard confirming receipt of Transmittal of Missing Requirements
- ④ Copy of Canceled Check No. 1244 in the amount of \$40.00

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: N/ADate of mailing: 26 March 2003

SF-1108006v1

DT16 Rec'd PCT/PTO 31 MAR 2003

[461124-00020]

COPY

Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/980,956	FIRST NAMED APPLICANT Donald Jafrey	ATTY. DOCKET NO. A-71184/DJB/MAK
INTERNATIONAL APPLICATION NO. PCT/AU00/00631		
I.A. FILING DATE 06/02/2000		PRIORITY DATE 06/04/1999

Michael A Kaufman  
 Flehr Hohbach Test  
 Albritton & Herbert  
 4th Embarcadero Center Suite 3400  
 San Francisco, CA 94111-4187

CONFIRMATION NO. 3450

371  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000009650004\*

File A-71184 Atty MAK  
 Date Filed \_\_\_\_\_  
 Date Mailed \_\_\_\_\_

Date Mailed: 03/14/2003 pa \_\_\_\_\_ Refs \_\_\_\_\_

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 06/04/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A BURT

Telephone: (703) 305-3734

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

**PATENT**

Attorney Docket No. A-71184/DJB/MAK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	Examiner:	Not Yet Known
	)		
Donald JAFFREY	)	Art Unit:	Not Yet Known
	)		
Serial No.: 09/980,956	)		
	)		
Filing Date: 4 December 2001	)		
	)		
U.S. National Phase of Int'l Application	)		
	)		
Appl. No.: PCT/AU00/00631	)		
	)		
For: <b>A Fuel Cell Gas Separator</b>	)		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence (and all listed enclosures, if any) is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231-0001 on 26 March 2003.

Signature: \_\_\_\_\_

Todd V. LEONE

**STATEMENT FOR WITHDRAWAL OF ABANDONMENT**

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

On 17 March 2003, Applicant received a Notice of Abandonment mailed 14 March 2003 stating that the instant application was abandoned because "Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 06/04/2002 within the time period set therein." A copy of said Notice of Abandonment is enclosed herewith and incorporated herein by this reference.

Applicant respectfully points out that a proper Transmittal of Missing Requirements was timely submitted on 20 June 2002 to Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231. Enclosed herewith is a copy of said Transmittal of Missing Requirements, including its listed enclosures, which are:

1. Transmittal of Missing Requirements;
2. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
3. Declaration and Power of Attorney for Patent Application;
4. Assignment with Form PTO-1595 Recordation Form Cover Sheet;
5. Our Check No. 1244 in the amount of \$40.00 to pay the recordation fee;
6. Power of Attorney by Assignee;
7. Information Disclosure Statement with Form PTO-1449 and copies of prior art references; and
8. Return postcard.

We also enclose a copy of the return postcard showing the USPTO dated stamp reading "DT15 Rec'd PCT/PTO JUN 25 2002" which indicates that the Transmittal of Missing Requirements and all enclosures listed above were duly received.

We further enclose a copy of both sides of canceled Check No. 1244 in the amount of \$40.00 submitted with the Transmittal of Missing Parts to pay the assignment recordation fee.

In light of the foregoing, Applicant respectfully requests the following:

1. That the Notice of Abandonment be withdrawn and the instant application be restored to pending status;
2. That the enclosed copy of the Transmittal of Missing Requirements and its enclosures be made of record in the instant application;
3. That the copy of the Assignment and its Recordation Form Cover Sheet (Form PTO-1595) be recorded in light of the previous payment of the recordation fee.

4. That a Notice of Acceptance of Application be issued with a filing date *nunc pro tunc* of 25 June 2002 (the date the missing requirements were received by the USPTO); and
5. That the instant application be forwarded to the Office of Initial Patent Examination so that an Official Filing Receipt can be issued as soon as possible.

Applicant believes that no additional fees are due and payable at this time. Nonetheless, the Commissioner is hereby authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 461124-00020 [A-71184/DJB/MAK]).

Respectfully submitted,

DORSEY & WHITNEY LLP

By Michael A. Kaufman  
Michael A. Kaufman  
Reg. No. 32,998  
Filed under 37 C.F.R. § 1.34(a)

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

[461124-00020]

**DORSEY & WHITNEY LLP**

File No. A-71184/DJB/MAK

Applicant(s): Donald JAFFREY  
Serial No.: 09/980,956  
For: A Fuel Cell Gas Separator

Please acknowledge receipt of the enclosed:

1. Transmittal of Missing Requirements
2. Copy of Notification of Missing Requirements Under 35 U.S.C. 371, etc.
3. Declaration and Power of Attorney for Patent Application
4. Assignment with Form PTO-1595
5. Our Check No. 1244 in the amount of \$40.00
6. Power of Attorney by Assignee
7. Information Disclosure Statement with Form PTO-1449 and copies of prior art references

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: 4 August 2002Date of mailing: 20 June 2002

SF-1085603v1



1244	
2-3/710	
DATE 6/20/2002	
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 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,956	Donald Jafrey	A-71184/DJB/MAK

INTERNATIONAL APPLICATION NO.
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PCT/AU00/00631

LA. FILING DATE	PRIORITY DATE
-----------------	---------------

06/02/2000

06/04/1999

Michael A Kaufman  
 Flehr Hohbach Test  
 Albritton & Herbert  
 4th Embarcadero Center Suite 3400  
 San Francisco, CA 94111-4187

CONFIRMATION NO. 3450

371 FORMALITIES LETTER

\*OC000000008218941\*

Date Mailed: 06/04/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BUK

Telephone: (703) 305-3734

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,956	PCT/AU00/00631	A-71184/DJB/MAK

FORM PCT/DO/EO/905 (371 Formalities Notice)

**PATENT**

Attorney Docket No.: A-71184/DJB/MAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner:	Not Yet Known
	)		
Donald JAFFREY	)	Group Art Unit:	Not Yet Known
	)		
Serial No.: 09/980,956	)		
	)		
Filing Date: 4 December 2001	)		
	)		
For: <i>A Fuel Cell Gas Separator</i>	)		
	)		

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, DC 20231 on 20 June 2002.

Signed: \_\_\_\_\_

Todd V. LEONE

TRANSMITTAL OF MISSING REQUIREMENTS

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This transmittal is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 4 June 2002.

Applicants submit the following items:

1. This Transmittal of Missing Requirements.
2. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) as referenced hereinabove.

3. Declaration and Power of Attorney for Patent Application.
4. Assignment with Form PTO-1595 Recordation Form Cover Sheet.
5. Our Check No. 1244 in the amount of \$40.00 to pay the recordation fee.
6. Power of Attorney by Assignee.
7. Information Disclosure Statement with Form PTO-1449 and copies of prior art references listed thereon.

The Commissioner is hereby authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (our Order No. A-71184/DJB/MAK).

Date: 20 June 2002

Respectfully submitted,

DORSEY & WHITNEY LLP

By: Michael A. Kaufman  
Michael A. KAUFMAN  
Reg. No. 32,998  
Filed under 37 C.F.R. § 1.34(a)

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989  
Facsimile: (415) 398-3249

SF-1085601v1  
C/M No. 461124-20

# COPY

**DORSEY & WHITNEY LLP**

File No. A-71184/DJB/MAK

Applicant(s): Donald JAFFREY  
Serial No.: 09/980,956  
For: A Fuel Cell Gas Separator

Please acknowledge receipt of the enclosed:

1. Transmittal of Missing Requirements
2. Copy of Notification of Missing Requirements Under 35 U.S.C. 371, etc.
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by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: 4 August 2002Date of mailing: 20 June 2002

SF-1085603v1

DT15 Rec'd PTO JUN 25 2002

03/20/03 12:48 FAX 714 424 5554  
03/20/03 THU 14:42 FAX 6123407800

DORSEY & WHITNEY LLP  
DORSEY & WHITNEY LLP

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<b>DORSEY &amp; WHITNEY LLP</b> 4 EMARCADEO CENTER SUITE 3400 SAN FRANCISCO, CA 94111-4187		1244
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